

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-1019

September Term, 2025
FILED ON: OCTOBER 17, 2025

EAGLE COUNTY, COLORADO,
PETITIONER

v.

SURFACE TRANSPORTATION BOARD AND UNITED STATES OF AMERICA,
RESPONDENTS

SEVEN COUNTY INFRASTRUCTURE COALITION AND UNTA BASIN RAILWAY, LLC,
INTERVENORS

Consolidated with 22-1020

On Remand from the Supreme Court of the United States

Before: MILLETT, PILLARD and WILKINS, *Circuit Judges*

JUDGMENT

Upon consideration of the motion for remand without vacatur, the response in support thereof, the responses in opposition thereto combined with cross-motions to reaffirm vacatur, the responses in opposition to the cross-motions, the replies, and the letter and responses thereto, it is

ORDERED that the motion for remand without vacatur be granted and the cross-motions to reaffirm vacatur be denied. It is

FURTHER ORDERED that in light of the Supreme Court's decision in *Seven County Infrastructure Coalition v. Eagle County, Colorado*, 145 S. Ct. 1497 (2025), these cases be remanded to the Surface Transportation Board for further proceedings consistent with the Supreme Court's opinion.

The Clerk is directed to issue the mandate forthwith.

Per Curiam

FOR THE COURT:
Clifton B. Cislak, Clerk

BY: /s/

Michael C. McGrail
Deputy Clerk